

Practitioner's Docket No. U 012799-1

09/630,333



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anand C. BURMAN, et al.

Group No.: 1646

Serial No.: 09/630,333

Filed: July 31, 2000

Examiner: - -

For: BOMBESIN ANALOGS FOR TREATMENT OF CANCER

**Assistant Commissioner for Patents
Washington, D.C. 20231**

**STATEMENT BY PRACTITIONER THAT PAPERS
ATTACHED TO DECLARATION ARE A COPY OF THOSE FILED
IN PTO TO GET A FILING DATE**

NOTE This form is to be used when the declaration indicates only the name of the inventor(s), title of the invention, and reference to a specification which is attached to the declaration. Notice of September 12, 1983, 1035 O.G. 3.

I,

Janet I. Cord

Name of Practitioner

c/o Ladas and Parry

P.O. Address

26 West 61st Street, N.Y. New York 10023

Reg. No. 33,778

Tel. No. (212) 708-1935

state I am the practitioner for this application and that I have reviewed the

(identify papers originally filed)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Janet I. Cord

(type or print name of person certifying)

Date: February 22, 2001

(Statement by Practitioner That Papers Attached to Declaration Are a Copy of Those Filed in PTO to Get a Filing Date—page 1 of 2) **5-9**

<u>1</u>	pages of abstract.
<u>21</u>	pages of specification.
<u>3</u>	pages of claims.
<u> </u>	pages of drawings.
<u>8</u>	pages of amendment.(Including 7 pages of Sequence Listing)

as shown in my files to be the papers that I filed in respect to the above identified application and have compared them to the papers attached to the declaration(s) of

(list all the inventors)

Anand C. BURMAN, Sudhanand PRASAD, Rama MUKHERJEE, Manu JAGGI, Anu T. SINGH,
Archna MATHUR

for BOMBESIN ANALOGS FOR TREATMENT OF CANCER

Title of invention

which accompanies this statement and I declare that these papers attached to the declaration(s) are a copy of the specification and any amendment thereto that I filed in the PTO in order to obtain a filing date for this application by:

(indicate method of filing below)

☐ depositing by hand at the PTO.

☐ mailing to the PTO.

☒ mailing to the PTO by Express Mail bearing Mailing Label Number EL386270297US on July 31, 2000.

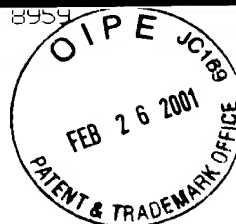
Date

Signature of practitioner

Customer No.: 33,778

Respectfully Submitted,

JANET I. CORD
LADAS AND PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023
REG. NO: 33,778 (212) 708-1935



Practitioner's Docket No. U 012799-1

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☐ original.
☐ design.

NOTE: With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance). M.P.E.P. Section 714.16, 7th Ed.

- ☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach **ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P**.

NOTE: See 37 C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- ☐ divisional,
☐ continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).

- ☒ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

BOMBESIN ANALOGS FOR TREATMENT OF CANCER

SPECIFICATION IDENTIFICATION

The specification of which:

(complete (a), (b), or (c))

(a) ☒ is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

"(3) name of inventor(s), and title which was on the specification as filed "

Notice of July 13, 1995 (1177 O.G. 60).

(b) ☐ was filed on _____, ☐ as Application No. _____
☐ and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. Section 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

(B) serial number and filing date;

(C) attorney docket number which was on the specification as filed;

(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration;

or
(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

M.P.E.P. Section 601.01(a), 7th ed.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))

(complete the following where a supplemental declaration is being submitted)

- ☐ I hereby declare that the subject matter of the

☐ attached amendment

☐ amendment filed on _____.

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

(also check the following items, if desired)

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by Section 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. Section 119(b) must be filed in the case of an interference (Section 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in Section 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. Section 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
 (e) ☒ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
 (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
 AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
INDIA	147/DEL/2000	24 TH FEB, 2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. SECTION 120

- ☒ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

JOSEPH H. HANDELMAN, 26179

RICHARD P. BERG, 28145

JOHN RICHARDS, 31053

JULIAN H. COHEN, 20302

RICHARD J. STREIT, 25765

WILLIAM R. EVANS 25858

PETER D. GALLOWAY, 27885

JANET I. CORD, 33778

IAN C. BAILLIE, 24090

CLIFFORD J. MASS, 30086

THOMAS F. PETERSON, 24790

CYNTHIA R. MILLER, 34678

(Check the following item, if applicable)

(Declaration and Power of Attorney--page 5 of 12) 1-1

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4) " Section 601.03, M.P.E.P., 7th Ed.

SEND CORRESPONDENCE TO

Ladas & Parry
26 West 61st Street
New York, N.Y. 10023

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

(212)708-1935

(complete the following if applicable)

Since this filing is a ☐ continuation ☐ divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. Section 1.63(a)(3).

NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

Full name of sole or first inventor

ANAND (Given Name) C. (Middle Initial or Name) BURMAN (Family (Or Last Name))

Inventor's signature (✓) Anand C. Burman

Date (✓) 28/7/2000 Country of Citizenship INDIA

Residence GHAZIABAD, INDIA

Post Office Address C/O DABUR RESEARCH FOUNDATION

22, SITE IV, SAHIBABAD, GHAZIABAD-201010 (U.P.) INDIA

Full name of second joint inventor, if any

SUDHANAND (Given Name) (Middle Initial or Name) PRASAD (Family (Or Last Name))

Inventor's signature (✓) Sudhanand Prasad

Date (✓) 28/7/2000 Country of Citizenship INDIA

Residence GHAZIABAD, INDIA

Post Office Address C/O DABUR RESEARCH FOUNDATION

22, SITE IV, SAHIBABAD, GHAZIABAD-201010 (U.P.) INDIA

Full name of third joint inventor, if any

RAMA (Given Name) (Middle Initial or Name) MUKHERJEE (Family (Or Last Name))

Inventor's signature (✓) Ram Mukherjee

Date (✓) 28/7/2000 Country of Citizenship INDIA

Residence GHAZIABAD, INDIA

Post Office Address C/O DABUR RESEARCH FOUNDATION

22, SITE IV, SAHIBABAD, GHAZIABAD-201010 (U.P.) INDIA

*(check proper box(es) for any of the following added page(s)
that form a part of this declaration)*

☒ Signature for fourth and subsequent joint inventors. *Number of pages added* 1

* * *

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* _____

* * *

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. *Number of pages added* _____

* * *

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)

* * *

☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☒ Number of pages added 3

* * *

☐ Authorization of practitioner(s) to accept and follow instructions from representative.

*(If no further pages form a part of this Declaration,
then end this Declaration with this page and check the following item)*

☐ This declaration ends with this page.

Practitioner's Docket No. U 012799-1

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS

Full name of fourth joint inventor, if any

MANU
(Given Name) _____
(Middle Initial or Name) _____ JAGGI
Inventor's signature(✓) M Jaggi Family (Or Last Name)
Date (✓) 28.7.2000 Country of Citizenship INDIA
Residence GHAZIABAD, INDIA
Post Office Address C/O DABUR RESEARCH FOUNDATION
22, SITE IV, SAHIBABAD, GHAZIABAD-201010 (U.P.) INDIA

Full name of fifth joint inventor, if any

ANU
(Given Name) _____ T
(Middle Initial or Name) _____ SINGH
Inventor's signature(✓) A Family (Or Last Name)
Date (✓) 28/7/2000 Country of Citizenship INDIA
Residence GHAZIABAD, INDIA
Post Office Address C/O DABUR RESEARCH FOUNDATION
22, SITE IV, SAHIBABAD, GHAZIABAD-201010 (U.P.) INDIA

Full name of sixth joint inventor, if any

ARCHNA
(Given Name) _____ (Middle Initial or Name) _____ MATHUR
Inventor's signature(✓) Archna Mathur Family (Or Last Name)
Date (✓) 28/7/2000 Country of Citizenship INDIA
Residence GHAZIABAD, INDIA
Post Office Address C/O DABUR RESEARCH FOUNDATION
22, SITE IV, SAHIBABAD, GHAZIABAD-201010 (U.P.) INDIA

Practitioner's Docket No. U 012799-1

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION
OR C-I-P APPLICATION**

(complete this part only if this is a divisional, continuation or C-I-P application)

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. § 120**

I hereby claim the benefit, under Title 35, United States Code, § 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information

☒ that is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

(also check the following item, if desired)

☐ and that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent,

that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application. (37 CFR 1.63(e)).

(also check the following item, if desired)

☐ In compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. 1.98.

U.S. APPLICATIONS

Status (check one)

U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 09/248,382	FEB. 10, 1999		✓	
2. 09/248,381	FEB. 11, 1999		✓	
3				
PCT APPLICATION DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (If any)		
4.				
5.				
6.				
7.				
8.				

35 USC § 119 PRIORITY CLAIM, IF ANY,
FOR ABOVE LISTED U.S./PCT APPLICATIONS

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 USC § 119		
<i>please indicate appropriate PCT application no.</i>	Country and Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.	INDIA 343/DEL/98	11 FEBRUARY 1998	
2.	INDIA 342/DEL/98	11 Feb 1998	
3.			
4.			
5.			
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